

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

TIMOTHY REAVES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 15-40100
DEPARTMENT OF CORRECTION, CAROL	)	
HIGGINS O'BRIEN, PAMELA MACEACHERN,	)	
MICHAEL RODRIGUES, STEPHANIE	)	
COLLINS, MASSACHUSETTS PARTNERSHIP	)	
FOR CORRECTIONAL HEALTHCARE, MHM	)	
CORRECTIONAL SERVICES, GERALDINE	)	
SOMERS, LEIGH PARISEAU, JULIE IRELAND,	)	
KHALID KHAN, BONNIE DAMIGELLA,	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTIVE RELIEF PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 65(a)**

Plaintiff Timothy Reaves moves the Court for preliminary injunctive relief against Defendants pursuant to Rule 65(a) of the Federal Rules of Civil Procedure. In support thereof, Plaintiff states as follows:

1. The Plaintiff is a 50-year-old quadriplegic, partially deaf man held in a maximum security prison.
2. On July 7, 2015, Plaintiff filed a Complaint, alleging, pursuant to 42 U.S.C. § 1983, that Plaintiff is entitled to relief from this Court for violations of his rights under the Eighth and Fourteenth Amendments to the United States Constitution. The Complaint also alleges that the Plaintiff is entitled to relief from this Court for violations of his rights under the Americans with Disabilities Act, 42 U.S.C. § 12131, *et seq.*, and the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
3. With this Motion, Plaintiff seeks a preliminary injunction directing the

Commissioner of the Department of Correction, Carol Higgins O'Brien, to temporarily place Mr. Reaves in an appropriate medical facility until such time as Defendants are able to provide minimally adequate medical treatment.

4. In the event that Plaintiff remains in, or returns to, a DOC facility, he respectfully requests that this Court enter an order directing Defendants and all other persons within the scope of Federal Rule of Civil Procedure 65 to remedy the constitutional and statutory violations alleged in both the Complaint and the accompanying Memorandum of Law by taking those actions specifically enumerated in the accompanying Memorandum of Law.

5. Federal Rule of Civil Procedure 65 provides for the issuance of a preliminary injunction under circumstances such as those that exist in the present case.

6. In support of this motion, Plaintiff submits a Memorandum of Law, addressing all necessary elements for the entry of a preliminary injunction, as well as affidavits from Leslie Morse, MD, and Plaintiff Reaves, and additional evidentiary submissions.

**REQUEST FOR ORAL ARGUMENT  
AND EVIDENTIARY HEARING**

7. Pursuant to L.R. 7.1(d), Plaintiff requests that an evidentiary hearing with the opportunity for oral argument be set. The factual and legal issues raised in this case are substantial, complex and cover a broad range of information. Oral argument and the opportunity to present testimony are likely to assist the Court.

WHEREFORE, for the foregoing reasons, and for those set forth in Plaintiff's supporting Memorandum of Law, Plaintiff respectfully moves that the Court enter a preliminary injunction directing the Commissioner of the Department of Correction, Carol Higgins O'Brien, to temporarily place Mr. Reaves in an appropriate medical facility until such time as Defendants are

able to provide minimally adequate medical treatment. Should Plaintiff remain in, or return to, a DOC facility, he respectfully requests that this Court provide preliminary injunctive relief in the form of an order directing Defendants and all other persons within the scope of Federal Rule of Civil Procedure 65 to remedy the violations of his constitutional and statutory rights by taking those actions specifically enumerated in the accompanying Memorandum of Law.

Respectfully submitted,

Plaintiff Timothy Reaves,  
By his attorneys,

/s/ Lauren Petit  
Lauren Petit, BBO #640410  
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/s/ Maggie Filler  
Maggie Filler, California Bar #287836, *pro hac vice*  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon Michael Rodrigues and Stephanie Collins by first-class mail, the attorney for Department of Correction, Carol Higgins O'Brien, and Pamela MacEachern by first-class mail, and the attorney for each other party by electronic mail on August 13, 2015.

/s/ Maggie Filler  
Maggie Filler